

**TWENTIETH DAY - FEBRUARY 5, 2003****LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE  
FIRST SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 5, 2003

**PRAYER**

The prayer was offered by Pastor Lauren Ekdahl, Trinity United Methodist Church, Lincoln, Nebraska.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heineman presiding.

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Brashear, Bromm, Maxwell, Raikes, Schimek, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 418, strike lines 27 through 31, and insert:

"Senator Janssen renewed his pending amendment, AM0126, found on page 395."

The Journal for the nineteenth day was approved as corrected.

**NOTICE OF COMMITTEE HEARINGS****Health and Human Services**

Room 1510

LB 413	Wednesday, February 12, 2003	1:30 p.m.
LB 710	Wednesday, February 12, 2003	1:30 p.m.
LB 724	Wednesday, February 12, 2003	1:30 p.m.
LB 666	Wednesday, February 12, 2003	1:30 p.m.
LB 767	Thursday, February 13, 2003	1:30 p.m.
LB 702	Thursday, February 13, 2003	1:30 p.m.
LB 756	Thursday, February 13, 2003	1:30 p.m.
LB 611	Thursday, February 13, 2003	1:30 p.m.
LB 412	Friday, February 14, 2003	3:00 p.m.

LB 599	Wednesday, February 19, 2003	1:30 p.m.
LB 764	Wednesday, February 19, 2003	1:30 p.m.
LB 645	Wednesday, February 19, 2003	1:30 p.m.
LB 709	Wednesday, February 19, 2003	1:30 p.m.
LB 473	Wednesday, February 19, 2003	1:30 p.m.
LB 297	Friday, February 21, 2003	1:30 p.m.
LB 711	Friday, February 21, 2003	1:30 p.m.
LB 594	Friday, February 21, 2003	1:30 p.m.

(Signed) Jim Jensen, Chairperson

### MESSAGES FROM THE GOVERNOR

January 29, 2003

President, Speaker Bromm  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm, and Members:

Contingent upon your approval, the following individual has been appointed to the State Electrical Board.

**APPOINTEE:**

George Morrissey, 4327 N 142<sup>nd</sup> St, Omaha, NE 68164

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

say/

February 3, 2003

President, Speaker Bromm  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm, and Members:

Contingent upon your approval, the following individuals have been appointed to the State Fair Board.

**APPOINTEES:**

Sallie Atkins, HC 76 Box 4, Halsey, NE 69142  
Jo Kinsey, 7620 Wrenn Ct, Lincoln, NE 68506  
Frank Partsch, 3122 S 104<sup>th</sup> St, Omaha, NE 68124  
John Peetz, 960 Fall Creek Rd, Lincoln, NE 68510

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

say/

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 25 was adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 25.

### SELECT FILE

**LEGISLATIVE BILL 167.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 242.** E & R amendment, AM7006, found on page 333, was adopted.

Senator Jensen offered the following amendment:  
AM0231

- 1 1. On page 96, line 26, after "fee" insert "for such
- 2 examinations"; and in line 28 after "required" insert
- 3 "credentialing".
- 4 2. On page 152, strike beginning with the second "or" in
- 5 line 15 through the period in line 16, show as stricken, and insert
- 6 an underscored period.

The Jensen amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 245.** E & R amendment, AM7007, found on page 334, was adopted.

Senator Beutler offered the following amendment:  
AM0227

- 1 1. Insert the following new sections:
- 2 "Sec. 7. Section 54-311, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 54-311. It shall be unlawful for the owner or holder of
- 5 any real estate in the State of Nebraska to leave uncovered any
- 6 well or other pitfall into which any ~~stock person or animal~~ may
- 7 fall or receive injury. ~~and all old wells not in use, and every~~
- 8 ~~other pitfall, shall be filled with dirt from the bottom to the~~
- 9 ~~level of the surface~~ Every pitfall shall be filled, adequately
- 10 covered, or enclosed so as not to constitute a safety hazard.
- 11 Every well not in use shall be decommissioned or properly placed in
- 12 inactive status in accordance with the Water Well Standards and
- 13 Contractors' Licensing Act so as not to constitute a safety hazard.
- 14 Sec. 8. Section 54-315, Reissue Revised Statutes of
- 15 Nebraska, is amended to read:
- 16 54-315. ~~Any resident freeholder leaving any well or~~
- 17 ~~pitfall unenclosed or unfilled, into which stock may fall, shall be~~
- 18 ~~fined in any sum not exceeding five hundred dollars nor less than~~
- 19 ~~fifty dollars, and be liable to the owner of the stock for all~~
- 20 ~~damages~~ Any person who violates section 54-311 shall be guilty of a
- 21 Class IV misdemeanor."
- 22 2. On page 45, line 15, strike "54-311 to 54-315" and
- 23 insert "54-312 to 54-314".
- 24 3. Renumber the remaining sections and correct the
- 1 repealer accordingly.

The Beutler amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment:  
AM0241

- 1 1. On page 29, line 14, strike "occurs", show as
- 2 stricken, and insert "begins".

The Beutler amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Senators Jensen and Chambers offered the following amendment:  
AM0234

- 1 1. On page 27, line 11, after "(2)" insert "or (4)"; and
- 2 in lines 13 through 15 strike the new matter.
- 3 2. On page 28, after line 17, insert the following new
- 4 subsection:
- 5 "(4) The Department of Health and Human Services
- 6 Regulation and Licensure shall preserve biological material
- 7 obtained for the purpose of determining the concentration of
- 8 alcohol in a person's blood for two years.".

The Jensen and Chambers amendment was adopted with 30 ayes, 0 nays, 17

present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

AM0236

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 43-3313, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-3313. Support in the definitions of child support,
- 5 medical support, and spousal support means providing necessary
- 6 shelter, food, clothing, care, medical support, medical attention,
- 7 education expenses, or funeral expenses or any other reasonable and
- 8 necessary expense. ~~and includes interest as provided by law.~~
- 9 Sec. 5. Section 43-3329, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 43-3329. For purposes of sections 43-3328 to 43-3339,
- 12 the following definitions apply:
- 13 (1) Account means a demand deposit account, checking or
- 14 negotiable withdrawal order account, savings account, time deposit
- 15 account, or money-market mutual fund account;
- 16 (2) Authorized attorney has the same meaning as found in
- 17 section 43-1704;
- 18 (3) Child support has the same meaning as found in
- 19 section 43-1705;
- 20 (4) Department means the Department of Health and Human
- 21 Services;
- 22 (5) Director means the Director of Health and Human
- 23 Services or his or her designee and, if the director designates,
- 24 includes a county attorney or authorized attorney;
- 1 (6) Financial institution means every federal or state
- 2 commercial or savings bank, including savings and loan associations
- 3 and cooperative banks, federal or state chartered credit unions,
- 4 benefit associations, insurance companies, safe deposit companies,
- 5 any money-market mutual fund as defined in section 851(a) of the
- 6 Internal Revenue Code that seeks to maintain a constant net asset
- 7 value of one dollar in accordance with 17 C.F.R. 270.2a-7, any
- 8 broker, brokerage firm, trust company, or unit investment trust, or
- 9 any other similar entity doing business or authorized to do
- 10 business in the State of Nebraska;
- 11 (7) Match means a comparison by automated or other means
- 12 by name and social security number of a list of obligors provided
- 13 to a financial institution by the Department of Health and Human
- 14 Services and a list of depositors of any financial institution;
- 15 (8) Medical support has the same meaning as found in
- 16 section 43-512;
- 17 (9) Obligor means a person who owes a duty of support
- 18 pursuant to a support order;
- 19 (10) Payor includes a person, partnership, limited
- 20 partnership, limited liability partnership, limited liability
- 21 company, corporation, or other entity doing business or authorized

22 to do business in the State of Nebraska, including a financial  
 23 institution, or a department or an agency of state, county, or city  
 24 government;

25 (11) Spousal support has the same meaning as found in  
 26 section 43-1715;

27 (12) Support in the definitions of child support, medical  
 1 support, and spousal support means providing necessary shelter,  
 2 food, clothing, care, medical support, medical attention, education  
 3 expenses, or funeral expenses or any other reasonable and necessary  
 4 expense; and ~~includes interest as provided by law; and~~

5 (13) Support order has the same meaning as found in  
 6 section 43-1717."

7 2. Renumber the remaining sections and correct the  
 8 repealer accordingly.

Senator Combs asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Jensen offered the following amendment:

FA1155

Amend AM0234, by adding the following after the word "years" on page 1, line 8.

"Unless a request is made for the retention of such material beyond such period in connection with a pending legal action."

The Jensen amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 40.** E & R amendment, AM7008, found on page 335, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 69.** Senator Smith renewed his pending amendment, AM0155, found on page 411.

The Smith amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 69A.** Advanced to E & R for engrossment.

Senator Smith asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 83.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 92.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 306.** E & R amendment, AM7009, found on page 343, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 122.** E & R amendment, AM7010, found on page 380, was adopted.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schrock offered the following amendment:  
AM0246

- 1 1. On page 2, line 7, after "permit" insert "for a
- 2 resident motor vehicle"; in line 8 after the period insert "The fee
- 3 for the annual permit for a nonresident motor vehicle shall not be
- 4 more than twenty-five dollars."; in line 11 after "permit" insert
- 5 "for a resident motor vehicle"; and in line 12 after the period
- 6 insert "The fee for the temporary permit for a nonresident motor
- 7 vehicle shall not be more than five dollars.".

The Schrock amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 191.** Senator Vrtiska offered the following amendment:

AM0223

- 1 1. On page 2, line 17, strike the new matter; strike
- 2 beginning with "of" in line 17 through the period in line 23 and
- 3 show as stricken; and in line 24 after the period insert "Notice of
- 4 the hearing as required by section 84-1411 shall include the
- 5 following: (a) The time and place of the hearing, (b) the dollar
- 6 amount at issue, and (c) a statement setting forth the nature of
- 7 the error.".

The Vrtiska amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 192.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 281.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 295.** Senator Baker renewed his pending amendment, AM0161, found on page 419.

The Baker amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 14.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 15.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 357.** E & R amendment, AM7011, found on page 407, was adopted.

#### **SENATOR CUDABACK PRESIDING**

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 358.** E & R amendment, AM7013, found on page 407, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 359.** E & R amendment, AM7012, found on page 408, was adopted.

Senator Schimek renewed her pending amendment, AM0185, found on page 411.

The Schimek amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 34.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 35.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 93.** Senator Schrock offered the following amendment:

AM0238

- 1 1. On page 4, line 13, after "programs" insert "In
- 2 determining the rate of fertilizer application, the district shall
- 3 consult with the University of Nebraska or a certified crop advisor
- 4 certified by the American Society of Agronomy".



The Schrock amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 168.** Advanced to E & R for engrossment.

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 72.** Placed on Select File as amended.

E & R amendment to LB 72:

AM7016

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-2701, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 77-2701. Sections 77-2701 to 77-27,135.01 and 77-27,222
- 6 and sections 2 and 3 of this act shall be known and may be cited as
- 7 the Nebraska Revenue Act of 1967.
- 8 Sec. 2. On the individual income tax return forms for
- 9 tax years 2003, 2004, and 2005, the Tax Commissioner shall include
- 10 space in which the individual taxpayer may, if a refund is due,
- 11 designate one dollar or a greater amount of the refund as a
- 12 contribution to the Nebraska State Fair. In the case of a joint
- 13 return, each spouse may designate one dollar or a greater amount of
- 14 the refund as a contribution to the fund.
- 15 Sec. 3. The Tax Commissioner shall determine the total
- 16 amount of contributions designated pursuant to section 2 of this
- 17 act each year, and the State Treasurer shall transfer such amount
- 18 from the General Fund to the State Fair Cash Fund.
- 19 Sec. 4. Section 77-27,119.04, Reissue Revised Statutes
- 20 of Nebraska, is amended to read:
- 21 77-27,119.04. Beginning with the tax form filed for the
- 22 1994 tax year, the Tax Commissioner shall include on the individual
- 23 income tax form space in which the individual taxpayer may, if a
- 24 refund is due, designate ~~two dollars~~ one dollar or a greater amount
- 1 of such refund as a contribution to the Campaign Finance Limitation
- 2 Cash Fund created in section 32-1610.
- 3 Sec. 5. The State Fair Cash Fund is created. The Tax
- 4 Commissioner may use the fund to defray the cost of implementing
- 5 the check-off program under section 2 of this act. The Nebraska
- 6 State Fair shall use the fund to carry out the public-private
- 7 partnerships established to enhance the work of the Nebraska State
- 8 Fair. Any money in the fund available for investment shall be
- 9 invested by the state investment officer pursuant to the Nebraska
- 10 Capital Expansion Act and the Nebraska State Funds Investment Act.
- 11 Sec. 6. Original section 77-27,119.04, Reissue Revised
- 12 Statutes of Nebraska, and section 77-2701, Revised Statutes

13 Supplement, 2002, are repealed."

14 2. On page 1, strike beginning with "the" in line 1  
15 through line 5 and insert "income tax refunds; to amend section  
16 77-27,119.04, Reissue Revised Statutes of Nebraska, and section  
17 77-2701, Revised Statutes Supplement, 2002; to provide for  
18 contributions of income tax refunds to the Nebraska State Fair; to  
19 change provisions relating to contributions of income tax refunds  
20 to the Campaign Finance Limitation Cash Fund; to create a fund; to  
21 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 291.** Placed on Select File as amended.

E & R amendment to LB 291:

AM7018

1 1. On page 6, line 4, strike "a".  
2 2. On page 9, line 24, after the last comma insert  
3 "and".  
4 3. On page 10, line 11, strike the second "of".  
5 4. On page 12, line 10, strike "and" and show as  
6 stricken; in line 14 strike the period, show as stricken, and  
7 insert "; and"; and in line 28 strike "paper" and insert  
8 "newspaper".  
9 5. On page 15, line 7, strike "77-1504.02" and insert  
10 "77-1504.01".

**LEGISLATIVE BILL 292.** Placed on Select File as amended.

E & R amendment to LB 292:

AM7017

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 18-1743, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 18-1743. Any city or village which requires that a  
6 building permit be issued for the erection, alteration, or repair  
7 of any building within its jurisdiction shall, if the improvement  
8 is ~~one thousand~~ two thousand five hundred dollars or more, issue a  
9 duplicate of such permit to the county assessor.  
10 Sec. 2. Section 60-3006, Revised Statutes Supplement,  
11 2002, is amended to read:  
12 60-3006. (1) A veteran of the United States Armed Forces  
13 who qualifies for an exemption from the motor vehicle tax under  
14 subdivision (2) of section 60-3002 shall apply for the exemption to  
15 the county treasurer or designated county official pursuant to  
16 section 23-186 not more than fifteen days before and not later than  
17 thirty days after the registration date for the motor vehicle. A  
18 renewal application shall be made annually not sooner than the  
19 first day of the last month of the registration period or later  
20 than the last day of the registration period. The county treasurer  
21 or designated county official shall approve or deny the application  
22 and notify the applicant of his or her decision within twenty days

23 after the filing of the application. An applicant may appeal the  
24 denial of an application to the county board of equalization within  
1 twenty days after the date the notice was mailed.

2 (2) An organization which qualifies for an exemption from  
3 the motor vehicle tax under subdivision (6) of section 60-3002  
4 shall apply for the exemption to the county treasurer or designated  
5 county official not more than fifteen days before and not later  
6 than thirty days after the registration date for the motor vehicle.  
7 For a newly acquired motor vehicle, an application for exemption  
8 must be made within thirty days after the purchase date. A renewal  
9 application shall be made annually not sooner than the first day of  
10 the last month of the registration period or later than the last  
11 day of the registration period. The county treasurer or designated  
12 county official shall examine the application and recommend either  
13 exempt or nonexempt status to the county board of equalization  
14 within twenty days after receipt of the application. The county  
15 board of equalization, after a hearing on ten days' notice to the  
16 applicant and after considering the recommendation of the county  
17 treasurer or designated county official and any other information  
18 it may obtain, shall approve or deny the exemption on the basis of  
19 law and of rules and regulations adopted and promulgated by the  
20 Property Tax Administrator. The county board of equalization shall  
21 certify its decision to the applicant, and the county treasurer or  
22 designated county official, and the Property Tax Administrator  
23 within ten days after the hearing. The decision of the county  
24 board of equalization may be appealed to the Tax Equalization and  
25 Review Commission.

26 Sec. 3. Section 77-101, Revised Statutes Supplement,  
27 2002, is amended to read:

1 77-101. For purposes of Chapter 77 and any statutes  
2 dealing with taxation, unless the context otherwise requires, the  
3 definitions found in sections 77-102 to 77-130 and section 7 of  
4 this act shall be used.

5 Sec. 4. Section 77-115, Revised Statutes Supplement,  
6 2002, is amended to read:

7 77-115. County assessor includes an elected or appointed  
8 county assessor or a county clerk who is an ex officio county  
9 assessor. In counties in which the state has assumed the  
10 assessment function, the Property Tax Administrator or his or her  
11 designee performs the duties of the county assessor.

12 Sec. 5. Section 77-126, Revised Statutes Supplement,  
13 2002, is amended to read:

14 77-126. Assessment means the act of listing the  
15 description of all real property and taxable tangible personal  
16 property, determining its taxability, determining its taxable or  
17 assessed value, and placing it on the assessment roll.

18 Sec. 6. Section 77-129, Revised Statutes Supplement,  
19 2002, is amended to read:

20 77-129. Assessment roll means a complete and verified

21 list of all real property and the taxable tangible personal  
22 property in a county and the associated assessments as defined in  
23 section 77-126. The assessment roll is described in section  
24 77-1303.

25 Sec. 7. Taxable value shall be as described in section  
26 77-201 and shall have the same meaning as assessed value.

27 Sec. 8. Section 77-202.02, Revised Statutes Supplement,  
1 2002, is amended to read:  
2 77-202.02. The county board of equalization, between  
3 February 1 and June 1 after a hearing on ten days' notice to the  
4 applicant and the publication of notice as provided in section  
5 77-202.01, and after considering the recommendation of the county  
6 assessor and any other information it may obtain from public  
7 testimony, shall grant or withhold tax exemption for the real  
8 property or tangible personal property on the basis of law and of  
9 regulations promulgated by the Property Tax Administrator. The  
10 board shall certify its decision to the applicant, and the county  
11 assessor, ~~and the Property Tax Administrator~~ within ten days  
12 thereafter.

13 For applications accepted after approval of a waiver  
14 pursuant to section 77-202.01, the county board of equalization  
15 shall hear and certify its decision on or before August 15.

16 Sec. 9. Section 77-202.11, Revised Statutes Supplement,  
17 2002, is amended to read:

18 77-202.11. (1) Leased public property, other than  
19 property leased for a public purpose as set forth in subdivision  
20 (1)(a) of section 77-202, shall be taxed or exempted from taxation  
21 as if the property was owned by the leaseholder. The value of the  
22 property shall be determined as provided under section 77-201.

23 (2) ~~By January 31, 2001, the state and each governmental~~  
24 ~~subdivision shall provide to the appropriate county assessor a copy~~  
25 ~~of each lease in effect on January 1 of that year for property~~  
26 ~~owned by the state or governmental subdivision. In years after~~  
27 ~~2001 On or before January 31 each year, the state and each~~

1 governmental subdivision shall provide to the appropriate county  
2 assessor each new lease or preexisting lease which has been  
3 materially changed which went into effect during the previous year  
4 and a listing of previously reported leases that are still in  
5 effect.

6 (3) Taxes on property assessed to the lessee shall be due  
7 and payable in the same manner as other property taxes and shall be  
8 a first lien upon the personal property of the person to whom  
9 assessed until paid and shall be collected in the same manner as  
10 personal property taxes as provided in sections 77-1711 to 77-1724.  
11 The state or its governmental subdivisions shall not be obligated  
12 to pay the taxes upon failure of the lessee to pay. Notice of  
13 delinquent taxes shall be timely sent to the lessee and to the  
14 state or the governmental subdivision. No lien or attachment shall  
15 be attached to the property of the state or the governmental

16 subdivisions for failure of the lessee to pay the taxes due.

17 (4) The state or any governmental subdivision may, if it  
18 chooses to do so in its discretion, provide the appropriate county  
19 assessor a description of the property rather than a copy of the  
20 lease; request that the assessor notify it of the amount of tax  
21 which would be assessed to the leaseholder; voluntarily pay that  
22 tax; and collect that tax from the leaseholder as part of the rent.

23 (5) Except as provided in Article VIII, section 11, of  
24 the Constitution of Nebraska, no in lieu of tax payments provided  
25 for in any other section of law shall be made with respect to any  
26 leased public property to which this section applies.

27 Sec. 10. Section 77-1311, Revised Statutes Supplement,  
1 2002, is amended to read:

2 77-1311. The county assessor shall have general  
3 supervision over and direction of the assessment of all property in  
4 his or her county. In addition to the other duties provided by  
5 law, the county assessor shall:

6 (1) Annually revise the real property assessment for the  
7 correction of errors and, when properties have been assessed as  
8 entities and afterward part or parts transferred to other parties,  
9 set off and apportion to each its just and equitable portion of the  
10 valuation;

11 (2) Obey all rules and regulations made under Chapter 77  
12 and the instructions and orders sent out by the Property Tax  
13 Administrator and the Tax Equalization and Review Commission;

14 (3) Examine the records in the office of the register of  
15 deeds and county clerk for the purpose of ascertaining whether  
16 mortgages on real property and security interests on personal  
17 property, producing mineral leases, title notes, contracts, and  
18 bills of sale, intended to operate as a lien in the county, have  
19 been fully and correctly listed and add to the assessment roll any  
20 which have been omitted, belonging to residents of his or her  
21 county, and not otherwise assessed, upon notice to the owner  
22 thereof or his or her agents;

23 (4) Examine the records in the office of the county judge  
24 and ascertain whether the property belonging to minors, persons  
25 with mental retardation or a mental disorder, and estates of  
26 deceased persons has been fully and correctly listed and add to or  
27 change any such assessments so that the same shall be fully  
1 assessed;

2 (5) Examine the records in the office of the clerk of the  
3 district court to ascertain whether any judgments or liens thereon  
4 filed, belonging to residents of his or her county and not  
5 otherwise assessed, have been omitted from the assessment rolls  
6 and, in case of any such omission, add the same to the assessment  
7 roll after notice to the owner;

8 (6) ~~Make up~~ Prepare the assessment roll as ~~provided~~  
9 defined in section 77-129 and described in section 77-1303;

10 (7) Provide access to the public to property record cards

11 and allow facsimiles to be reproduced at cost to the requesting  
12 individual; and  
13 (8) Submit a plan of assessment to the county board of  
14 equalization and the Department of Property Assessment and Taxation  
15 on or before September 1, 2001, and every five years thereafter.  
16 The county assessor shall update the plan each year between the  
17 adoption of each five-year plan. The plan and any update shall  
18 examine the level, quality, and uniformity of assessment in the  
19 county and may utilize a progress report developed by the  
20 department and presented to the county assessor on or before July  
21 31. The progress report is to be based on reports and statistics  
22 developed by class and subclass of real property for each county.  
23 The plan of assessment shall address issues of level, quality, and  
24 uniformity of assessment, including those outlined in the progress  
25 report, and shall propose actions to be taken for the following  
26 years to assure uniform and proportionate assessments that are  
27 within the statutory and administrative guidelines for the level  
1 and quality of assessment.

2 Sec. 11. Section 77-1502, Revised Statutes Supplement,  
3 2002, is amended to read:

4 77-1502. The county board of equalization shall hold a  
5 session of not less than three days, for the purpose of reviewing  
6 and deciding the written protests filed pursuant to this section,  
7 commencing on June 1 of each year and ending on July 25. Protests  
8 shall be filed in triplicate with the board. Protests for real  
9 property shall be filed after the assessor's completion of the real  
10 property assessment roll as required by section 77-1315 and on or  
11 before June 30. Protests for tangible personal property shall be  
12 filed on or before the last date for filing the form required by  
13 section 77-1229.

14 Attached to each copy of the protest shall be a statement  
15 of the reason or reasons why the requested change in assessment  
16 should be made or the protest shall be automatically dismissed.

17 The board shall prepare a separate report on each  
18 protest, and such report shall include a description of the  
19 property described in the protest, the recommendation of the county  
20 assessor with respect to the action proposed or taken, the names of  
21 witnesses whose testimony was heard in connection with the protest,  
22 a summary of their testimony, and a statement by the board of the  
23 basis upon which its action was taken. Such report shall identify  
24 by name the members of the board favoring the action taken; and be  
25 signed by the chairperson of the board; ~~and contain a~~  
26 ~~certification that a copy thereof is being mailed to the Property~~  
27 ~~Tax Administrator.~~ One copy of the report shall be given to the  
1 officer charged with the duty of preparing the tax list, and such  
2 officer shall have no authority to make a change in the values  
3 prepared and submitted by the county assessor until such report is  
4 in his or her possession, completed, signed, and certified in the  
5 manner specified in this section. If he or she deems it

6 incomplete, he or she shall return the same to the board for proper  
7 preparation and execution.

8 Within seven days after a final decision by the county  
9 board of equalization on any protest filed with the board, the  
10 county clerk shall notify the protester of the action taken by the  
11 board.

12 Sec. 12. Original section 18-1743, Reissue Revised  
13 Statutes of Nebraska, and sections 60-3006, 77-101, 77-115, 77-126,  
14 77-129, 77-202.02, 77-202.11, 77-1311, and 77-1502, Revised  
15 Statutes Supplement, 2002, are repealed."

16 2. On page 1, strike lines 3 through 5 and insert  
17 "sections 60-3006, 77-101, 77-115, 77-126, 77-129, 77-202.02,  
18 77-202.11, 77-1311, and 77-1502, Revised Statutes Supplement, 2002;  
19 to change notice requirements and eliminate reporting requirements;  
20 to define and redefine terms; to".

**LEGISLATIVE BILL 21.** Placed on Select File.

**LEGISLATIVE BILL 22.** Placed on Select File.

**LEGISLATIVE BILL 49.** Placed on Select File.

**LEGISLATIVE BILL 50.** Placed on Select File.

**LEGISLATIVE BILL 41.** Placed on Select File as amended.

E & R amendment to LB 41:

AM7019

- 1 1. On page 2, line 22, strike "and", show as stricken,
- 2 and insert an underscored comma.

(Signed) Ray Mossey, Chairperson

## **STANDING COMMITTEE REPORTS**

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 127.** Placed on General File.

**LEGISLATIVE BILL 175.** Placed on General File.

**LEGISLATIVE BILL 79.** Indefinitely postponed.

**LEGISLATIVE BILL 252.** Indefinitely postponed.

(Signed) Mark Quandahl, Chairperson

## **NOTICE OF COMMITTEE HEARINGS**

### **Executive Board**

Room 2102

LB 311	Thursday, February 20, 2003	12:00 p.m.
LB 470	Thursday, February 20, 2003	12:00 p.m.
LB 484	Thursday, February 20, 2003	12:00 p.m.
LB 510	Friday, February 21, 2003	12:00 p.m.

LB 663	Friday, February 21, 2003	12:00 p.m.
LB 703	Friday, February 21, 2003	12:00 p.m.
LR 22CA	Friday, February 21, 2003	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

**Revenue**  
Room 1524

LB 170	Wednesday, February 19, 2003 (cancel)	2:30 p.m.
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(Signed) David Landis, Chairperson

### **MOTION - Print in Journal**

Senator Vrtiska filed the following motion to LB 170:  
Withdraw LB 170.

### **AMENDMENTS - Print in Journal**

Senator Brown filed the following amendment to LB 396:  
AM0195

1 1. On page 2, lines 2 and 12, after "agreement" insert  
2 "under the Interlocal Cooperation Act"; in lines 5 and 15 strike  
3 "term of"; in lines 6 and 16 after "end" insert "at the expiration  
4 of the then current term"; in line 10 after the period insert "A  
5 municipality and county may by interlocal agreement pursuant to the  
6 act provide for the assumption of the duties of the municipal  
7 police department by the office of county sheriff."; and in line 20  
8 after the period insert "A municipality and county may by  
9 interlocal agreement pursuant to the act provide for the assumption  
10 of the duties of the municipal public works department by the  
11 office of county engineer.".

Senator Brown filed the following amendment to LB 565:  
AM0194

1 1. On page 2, lines 2, 10, and 19, after "agreement"  
2 insert "pursuant to the Interlocal Cooperation Act"; in lines 4,  
3 13, and 22 strike "term of"; in lines 5, 14, and 23 after "end"  
4 insert "at the expiration of the then current term"; and in line 27  
5 after the period insert "A municipality and county may by  
6 interlocal agreement pursuant to the act provide for the assumption  
7 of the duties of the municipal police department by the office of  
8 county sheriff.".  
9 2. On page 3, lines 1, 11, and 21, after "agreement"  
10 insert "pursuant to the Interlocal Cooperation Act"; in lines 4,  
11 14, and 24 strike "term of"; in lines 5, 15, and 25 after "end"  
12 insert "at the expiration of the then current term"; in line 9



13 after the period insert "A municipality and county may by  
 14 interlocal agreement pursuant to the act provide for the assumption  
 15 of the duties of the city or village treasurer by the office of the  
 16 county treasurer."; and in line 19 after the period insert "A  
 17 municipality and county may by interlocal agreement pursuant to the  
 18 act provide for the assumption of the duties of the city or village  
 19 attorney by the office of the county attorney.".

20 3. On page 4, lines 3 and 13, after "agreement" insert  
 21 "pursuant to the Interlocal Cooperation Act"; in lines 6 and 16  
 22 strike "term of"; in lines 7 and 17 after "end" insert "at the  
 23 expiration of the then current term"; in line 11 after the period  
 24 insert "A municipality and county may by interlocal agreement  
 1 pursuant to the act provide for the assumption of the duties of the  
 2 municipal public works department by the office of the county  
 3 surveyor."; and in line 21 after the period insert "A municipality  
 4 and county may by interlocal agreement pursuant to the act provide  
 5 for the assumption of the duties of the municipal public works  
 6 department by the office of county engineer.".

## ANNOUNCEMENT

Senator Price designates LB 233 as her priority bill.

## GENERAL FILE

**LEGISLATIVE BILL 131.** Title read. Considered.

Senators Engel and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 215.** Title read. Considered.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Quandahl moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Quandahl requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Baker	Foley	Johnson	Pedersen, Dw.	Tyson
Brown	Friend	Jones	Quandahl	Vrtiska
Byars	Hudkins	Kremer	Smith	
Erdman	Jensen	Mines	Stuhr	

Voting in the negative, 17:

Beutler	Connealy	Pederson, D.	Schrock	Wehrbein
Bourne	Landis	Price	Stuthman	
Bromm	Louden	Raikes	Synowiecki	
Chambers	Mossey	Schimek	Thompson	

Present and not voting, 11:

Aguilar	Combs	Janssen	Preister
Brashear	Cudaback	Kruse	Redfield
Burling	Cunningham	Maxwell	

Excused and not voting, 3:

Engel	Hartnett	McDonald
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Failed to advance to E & R for review with 18 ayes, 17 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 217.** Title read. Considered.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 85.** Title read. Considered.

The Standing Committee amendment, AM0089, found on page 324, was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS

### Agriculture

**LEGISLATIVE BILL 233.** Placed on General File.

(Signed) Bob Kremer, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 226.** Placed on General File.

**LEGISLATIVE BILL 39.** Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

**AMENDMENT - Print in Journal**

Senator Landis filed the following amendment to LB 282:  
AM0228

- 1 1. On page 65, lines 9, 10, and 16, strike the new
- 2 matter; in line 25 after "or" insert "fees and"; in line 26 strike
- 3 "to" and insert "charged for" and strike "and".
- 4 2. On page 66, line 3, after "meal" insert "; and
- 5 (6) Fees and admissions charged by a public or private
- 6 elementary or secondary school and fees and admissions charged by a
- 7 school district, student organization, or parent-teacher
- 8 association, pursuant to an agreement with the proper school
- 9 authorities, in a public or private elementary or secondary school
- 10 during the regular school day or at an approved function of any
- 11 such school".

**COMMUNICATIONS**

February 3, 2003

Mr. Patrick O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

**University of Nebraska-Lincoln, Harper, Schramm & Smith Halls.**

The University of Nebraska-Lincoln proposes to transfer \$2,175,955 from the 1986 Surplus Fund. The funds would be used to install multi-pane and energy-efficient window units for Harper, Schramm and Smith Halls used for student housing.

These expenditures are Pursuant to Bond Resolution dated as of December 1, 1964, authorizing the issuance of Revenue Bonds by the Board (the "Resolution"), the Board has heretofore issued revenue bonds

payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska-Lincoln, under which a 1986 Surplus Fund was created;

Section 6.2 of the Resolution requires the Board to operate the Facilities (as defined in the Resolution) in an efficient, sound and economical manner and to keep all Facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that all times the business carried on in connection therewith shall be properly and advantageously conducted.

**Request.** The University requests approval of the Harper, Schramm and Smith Halls window replacement totaling \$2,175,955 to be financed from the Student Fees and Facilities Revenue Bonds Replacement Fund.

The Board of Regents authorized these expenditures at the October 11, 2002, and January 18, 2003, meetings. The Coordinating Commission will make its recommendations February 17, 2003.

Thank you for your consideration of these projects.

Respectfully submitted,  
(Signed) Kim M. Robak  
Vice President for External Affairs  
and Corporation Secretary

February 5, 2003

Senator Pat Engel  
Chair-Executive Board  
2010 State Capitol Bldg.  
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Kim Robak, Vice-President for External Affairs at the University of Nebraska-Lincoln, and Mr. David Powers, Executive Director of the Coordinating Commission for Postsecondary Education. The correspondence relates to the University of Nebraska-Lincoln Harper Hall Window Replacement Proposal. As stated in the letter, the Commission is recommending approval of this proposal. A copy of the Commission's evaluation form is enclosed.

I am forwarding this correspondence to you for action by the Executive Board.

With kind regards.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Connealy asked unanimous consent to have his name added as cointroducer to LB 418. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Combs withdrew her name as cointroducer to LB 299.

**VISITORS**

Visitors to the Chamber were 8 students and sponsors from Goodrich School, Lincoln.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 2003.

Patrick J. O'Donnell  
Clerk of the Legislature

